

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**COMPLETE TITLE OF CASE:  
ANTHONY F. JOHNSON**

**v.  
STATE OF MISSOURI**

**APPELLANT,  
  
RESPONDENT.**

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DOCKET NUMBER WD78143

DATE: June 30, 2015

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Appeal From:

Jackson County Circuit Court  
The Honorable Joel P. Fahnestock, Judge

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Appellate Judges:

Division Two: Lisa White Hardwick, Presiding Judge, Victor C. Howard, Judge, and Cynthia L. Martin, Judge

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Attorneys:

Anthony F. Johnson, Appellant Pro Se.

Shaun J. Mackelprang, Jefferson City, MO, for respondent.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**ANTHONY F. JOHNSON,**

**APPELLANT,**

**v.**

**STATE OF MISSOURI,**

**RESPONDENT.**

No. WD78143

Jackson County

Before Division Two Judges: Lisa White Hardwick, Presiding Judge, Victor C. Howard, Judge, and Cynthia L. Martin, Judge

Anthony F. Johnson appeals from the motion court's order denying his motion for post-conviction relief due to abandonment by post-conviction counsel. Johnson argues that the motion court failed to make findings of fact and conclusions of law in its order as required by Rule 29.15(j). Johnson asserts that the motion court's failure to comply with the rule resulted in the denial and deprivation of his rights to due process, to a fair and adequate proceeding, and to equal protection.

**AFFIRMED.**

**Division Two holds:** As a general rule, we are unable to provide meaningful review of an order denying post-conviction relief without findings of fact and conclusions of law, requiring reversal of the judgment and remand for the entry of findings and conclusions. However, reversal and remand for entry of findings and conclusions is not necessary if the motion itself was insufficient. Johnson's motion for post-conviction relief due to abandonment by post-conviction counsel was successive, rendering it legally insufficient pursuant to Rule 29.15(l). Thus, reversal and remand are not required.

**Opinion by: Cynthia L. Martin, Judge**

June 30, 2015

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